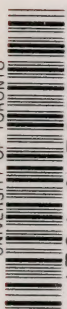


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THE  
CONSTITUTION OF NORWAY



# THE CONSTITUTION OF THE KINGDOM OF NORWAY

AN HISTORICAL AND POLITICAL  
SURVEY

BY

Hans L. BRÆKSTAD

WITH A COMPLETE TRANSLATION OF THE  
NORWEGIAN CONSTITUTION AND THE  
ACT OF UNION BETWEEN NORWAY  
AND SWEDEN

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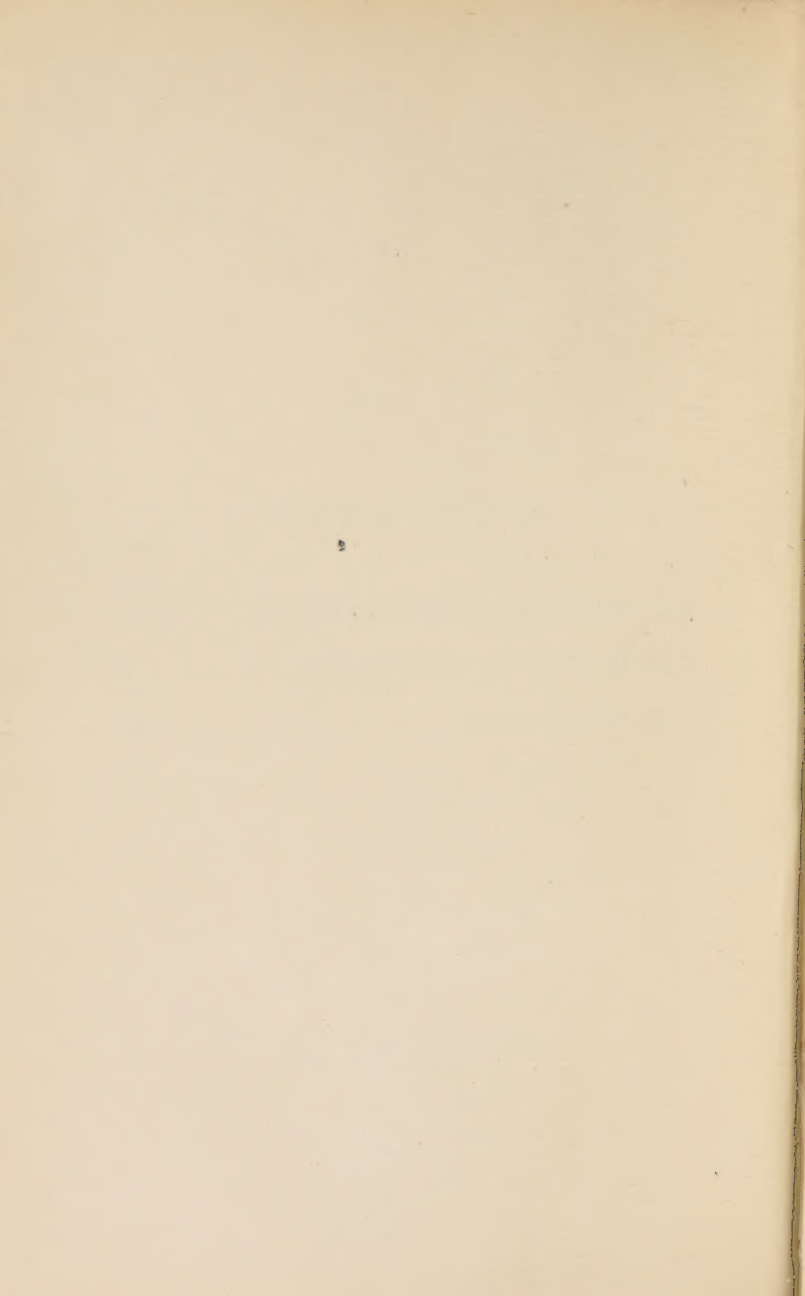


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## HISTORICAL AND POLITICAL SURVEY

DURING the last twenty-five years, whenever the many conflicts between the Norwegians and the Swedes have attracted attention in the English and in the Continental press, it has been only too apparent from the articles that have appeared on the subject that the writers, for the most part, have been unacquainted with the Norwegian Constitution and with the Act of Union between Norway and Sweden. Nor is this to be wondered at, as the text of these important documents has not been accessible to English readers. I have thought, therefore, that a short account of the circumstances under which they came into existence, and of their nature and provisions, together with a complete and accurate translation of the two documents themselves, would be both desirable and useful.

I have also another reason for publishing an English translation of the Norwegian Constitu-

tion. It has been pronounced "the most liberal of constitutions, one of which any modern nation might boast," and it may therefore not only interest statesmen and politicians, but also enable writers on history and political journalists, to become better acquainted with the details of this somewhat remarkable effort of statesmanship nearly a hundred years ago.

Indeed, I have been encouraged in undertaking this task by the utterances of one or two English writers, who evidently have given considerable attention and study to the Constitution of Norway. Mr. Samuel Laing, the well-known traveller, and father of the late Member of Parliament for Orkney, considers the Norwegian Storting (Parliament) to be "a working model of a constitutional government, and one which works so well as highly to deserve the consideration of the English people." Under this Constitution, the same writer continues, "the Norwegian people enjoy a greater share of political liberty, and have the framing and administering of their own laws more entirely in their own hand, than any European nation of the present time."

"The Norwegians," Mr. Laing writes further, "are the most interesting and singular group

of people in Europe. They live under ancient laws and social arrangements totally different in principle from those which regulate society and property in the feudally constituted countries, and among them, perhaps, may be traced the germ of all the free institutions which distinguish the British Constitution at the present day."

A writer in *Fraser's Magazine*, after a careful study of the Norwegian Constitution, says that "the impression left on one's mind by a study of its various parts is that it is one of a thoroughly practical character, and that good government has been the end aimed at by its founders."

Before entering upon a short account of the circumstances which led to the establishment of the Norwegian Constitution, I should like to call attention to the fact—too often forgotten by political writers of to-day—that Norway as a kingdom has now existed for over a thousand years, and that even in the remoter ages of her history she possessed a standard of culture such as hardly any other northern nation could equal—witness the old Norse laws and institutions, and her ancient literature (the Sagas).

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Norway, perhaps more than any other country, has reason to look back with satisfaction at the

great European upheaval at the beginning of last century. During the Napoleonic wars Sweden joined Russia against Napoleon, while Denmark allied herself with the emperor and his fate. Sweden agreed to furnish an army to co-operate with the Russians against the French in North Germany, and in return Russia promised Sweden the enforced cession of Norway by Denmark at the end of the war. The terms of this treaty were communicated to the British Government, and ultimately England agreed not to oppose the conquest of Norway, and also promised the help of her fleet if required; but she stipulated that the rights and privileges of the Norwegians should be respected.

In the following year, 1813, the Swedish army invaded Holstein, and the Danes, unable to resist the Swedes, and having no hope of assistance from Napoleon, were obliged to accede to the conditions which the Swedes dictated, and which were finally embodied in the Treaty of Kiel. According to this treaty Norway was to be ceded to Sweden, and the King of Denmark, in a proclamation to his Norwegian subjects, released them from their allegiance and advised them to accept the new order of things.

The Norwegians, however, would not tamely



submit to be handed over like mere chattels to the Swedes. They had not been consulted in the matter, and the consent of the nation had not been obtained to the Treaty of Kiel, which they simply ignored, declaring that, while the Danish king might renounce his right to the Norwegian crown, it was contrary to international law to dispose of an entire kingdom without the consent of its people. The Treaty of Kiel has, in fact, never been recognised by the Norwegians.

The Norwegians decided to resist the proposed annexation by Sweden, and a meeting of representatives from all parts of the country was at once convened at Eidsvold, not far from the capital, and there in a few days was framed and adopted the Constitution of the 17th of May 1814. The Norwegians thereupon elected as their sovereign Prince Christian Frederik, the Danish Viceroy of the country at the time, whose sympathies were entirely with Norway.

As soon as the Swedes heard that the Norwegians would not submit to their demands, they invaded the southern part of Norway, led by the Swedish Crown Prince, Karl Johan Bernadotte, formerly one of Napoleon's generals, who had been adopted by the childless King Charles XIII.

of Sweden as his successor. The Swedes met with a gallant resistance, but Christian Frederik, the new Norwegian king, considered the struggle was hopeless. A convention was held at Moss, where the Norwegians finally accepted the Swedish king as their sovereign, but upon the condition that their Constitution of the 17th of May should remain intact, except in respect of such alterations as the union with Sweden rendered necessary. Soon afterwards King Christian Frederik abdicated, and returned to Denmark. An extraordinary Storthing, or National Assembly, was summoned at Christiania, and on the 4th of November of the same year Norway was declared to be a "*free, independent, and indivisible kingdom, united with Sweden under one king.*" The Constitution framed at Eidsvold was retained, forming the present "Grundlov" or Fundamental Law of the country.

It may, perhaps, be asked how Karl Johan Bernadotte came to agree to the retention by the Norwegians of their free and democratic Constitution intact. This was partly, no doubt, owing to the pressure of the Allied Powers; but, apart from this, Sweden was not then fully prepared to carry on the war and compel the Norwegians to submission by force of arms.

Bernadotte, moreover, was no doubt anxious, on account of the perturbed state of Europe, to come to some immediate settlement. There is, however, good reason to believe that he hoped soon to find a convenient opportunity to establish his power more firmly in Norway. The Swedes, and especially the governing classes, were greatly disappointed with the terms of the Act of Union. They had, in fact, hoped for a "real" union—one by which Norway would have become a mere province of Sweden.

Karl Johan soon attempted to regain lost ground. He was especially anxious that the Norwegian Storting should grant him an absolute veto, which, according to the Constitution, he did not possess. On two occasions the sturdy patriots in the Storting resolutely declined to entertain his proposal; and to this day the merely suspensive royal veto remains one of the most important features of the Constitution.

On one of these occasions, a few years after the Union was entered into, the Norwegian Storting passed a Bill for the abolition of nobility. The country was too poor consistently to maintain an aristocracy. The few counts and barons remaining were all of recent creation and of Danish

origin. But Karl Johan felt that the abolition of the nobility was a blow aimed at his power in Norway, and twice refused his sanction to the Bill. According to the Constitution, however, any Bill passed for the third time becomes law, whether sanctioned by the king or not, and so the people's will prevailed.

Since then several attempts have been made to give the king greater power, and to bring the two countries into closer union, but the Norwegians, knowing full well the dangers for their independence of such a course, have always resisted these efforts.<sup>1</sup>

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The Constitution adopted by the representatives of the Norwegian people at Eidsvold on the 17th of May 1814 was framed upon those of America, France (1791), and Spain (1812). The legislative power is vested in the Storthing, which, literally, means the Great Court or Assembly. The Storthing is a one-chamber institution—with the exception of the Greek Chamber the only one in Europe—and consists of 117

<sup>1</sup> For a more detailed account of the political history of Norway, see the article on Norway in the *Encyclopædia Britannica* (10th edition), vol. xxxi.

members. For the better dispatch of business it proceeds, as soon as it has assembled and the speech from the throne has been delivered, to elect from among its members a fourth part of their number, who form a separate Division, or a kind of Select Committee, called the Lagthing (Law Assembly). This is the nearest approach the Norwegians have to an upper chamber; but it cannot rightly be so called, as the twenty-eight members composing it are actually a part of the Storthing itself. When there is, say, a Liberal majority in the National Assembly, the majority of the members elected to this Upper Division are naturally chosen from among the Liberals, and the Lower Division has in consequence a sympathetic body of men to deal with. As a rule a few members of the opposition are allowed to be elected to the Lagthing, for which, moreover, the ablest and most experienced men in the National Assembly are generally chosen.

The remaining three-fourths of the representatives constitute the Odelsting (the Udal Assembly). When these two divisions assemble in a joint sitting they again form the Storthing. This, as well as each of the two divisions, elects its own president and secretary. These appoint-

ments need not be confirmed by the king, who has absolutely no control over the organisation of the Assembly.

All legislation must be initiated in the Odels-thing, or Lower Division, while to the Lagthing belongs a limited power of revision and rejection. Every Bill must be introduced before the Odels-thing by one of its members or by a member of the Government. As soon as the Bill has been discussed and passed by this division, it is sent to the Upper Division for approval, amendment, or rejection. In the first case the Bill is transmitted to the king with a request for his sanction, and when this is granted it becomes law. Should a Bill be rejected by the Upper Division, it must be returned to the Lower Division with a memorandum of the objections to it, or observations for further consideration. The Bill is then reconsidered in the Lower Division, which has the right of withdrawing it altogether, but as a rule it is sent back to the Upper Division with or without alterations. This division has then the right to reject the Bill a second time, but if the two divisions cannot now agree, a joint sitting is held, when a majority of two-thirds of the whole Storthing is necessary to carry the measure. It will be easily understood, however,



that since the majority in the Upper Division have been elected by their colleagues in the Storting with whom they are in sympathy, much opposition or obstruction is not, as a rule, met with in the Lagthing, the work of which really consists rather in revising and improving Bills than in seriously hostile discussion. The Upper Division cannot shelve any Bill, but must, according to the Constitution, return it to the Lower Division with their comments.

As already mentioned, the king can exercise his veto only twice. The Norwegian Parliament thus possesses a right not known in any other Monarchy. When the same Bill has been passed by three successive Storthings, it becomes the law of the land without the assent of the king. (See § 79 of the Constitution.) Thus the king may delay a Bill from becoming law, say, for seven to nine years. This, it must be admitted, ought to serve as a sufficient check upon any legislative assembly, while at the same time ensuring that the supreme will of the people shall ultimately be carried into effect.

The present king has on two occasions refused his sanction to measures passed for the second time by the National Assembly, viz., the Bill for the admittance of the members of the Govern-

ment to the debates of the Storthing, and the Bill for the national flag. Both these Bills on being passed for the third time became law.

The legislative work being thus principally confined to the Odelsting and the Lagthing, the Storthing, in its entirety, only steps in when the two divisions cannot agree. Changes in, or amendments to, the Constitution, must be laid before the united Storthing, where the question is discussed from first to last, and finally decided. A majority of two-thirds of the whole house is required to pass any such amendments or changes in the Constitution. (See § 112 of the Constitution.)

Besides these legislative powers possessed by the Storthing assembled in joint session, its most important functions are the imposition of taxes and customs, the supervision of the financial affairs of the country, voting the money required for the public services, and for the appanages of the king and the members of the royal family, auditing the public accounts and inspecting the minutes of the meetings of the Government, the examination of treaties with foreign powers, granting pensions, naturalising foreigners, &c.

To the Odelsting, or Lower Division, belongs also the right of impeaching members of the

Government, judges of the High Court, and members of the Storthing for offences against the State. As soon as the accused has been formally impeached by the Odelsting, he is tried before the Rigsret, or Constitutional Court of the Realm. The king's sanction is not required to resolutions instituting impeachments before the Rigsret, nor has the king any right to elect any of the members of this court, as is the case in similar courts in some other countries. The king, moreover, cannot himself institute an impeachment before the Rigsret.

The Rigsret is composed of all the members of the Lagthing, in all twenty-eight, and of the nine judges of the High Court of Justice, but the accused has the right of throwing out one-third of the total number of his possible judges, and thus reducing the actual number to twenty-six. The decision of this Constitutional Court of the Realm is final, and does not require the king's sanction or approval, and it can in no way be appealed against, or reversed. This court is, in fact, a National Tribunal through which, in the end, the will of the people must be supreme and decisive.

In all questions relating to supply, taxation, and customs, the king has no voice.

The Storthing meets in October each year, the prescribed length of the session being three months, but if this period does not suffice for the transaction of business, the Assembly may petition the king for a prolongation of it. Such petition is always granted, but the king has the power to grant or refuse it at his pleasure. The Storthing can, however, fix its own time of prorogation by postponing the discussion of the Budget. The king has not, as is the case in most countries, the right to dissolve parliament. He has, however, the right to summon extraordinary Storthings should circumstances render this necessary. No sitting of the Storthing, or of either of its two divisions, can legally be held unless at least two-thirds of the members in each case are present. The members are paid, while in session, at the rate of 12 kroner (about 13s. 6d.) a day, in addition to travelling expenses. New elections take place every three years.

Norway has now possessed universal manhood suffrage for the last seven years. The mode of election is indirect, but this may in time be altered, especially as the means of communication are nowadays so much better than formerly. At present the electors choose a number of deputies for each town or county,

and these in turn elect, either from among themselves or from among other qualified voters in the district, the members to represent the town or county in the Storting.

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The Norwegian Government consists of ten Ministers, of whom three are chosen to be in attendance upon the king, and assist in the dispatch of Norwegian business during his residence at Stockholm, his Swedish capital; the remaining seven form the Government in Christiania, the capital of Norway. When the king is in Christiania the Cabinet Councils are presided over by him, and if he is absent the Norwegian Prime Minister takes his place. Paragraph 15 of the Norwegian Constitution provides that when the king is in Stockholm and transacts Norwegian business with his Norwegian Ministers in attendance upon him there, they *alone* must be present. He can, indeed, come to no decision regarding Norwegian business except in their presence and after hearing their opinions. When, however, the king transacts business which concerns both countries, he must, in the event of the Council being held during his residence at Stockholm, summon his three Norwegian Ministers in attendance upon him to a combined Council of

State with his Swedish Ministers (see § 5 of Act of Union); while, if the Council happens to take place when the king is on a visit to his Norwegian capital, three of his Swedish Ministers who accompany him on such occasions meet his Norwegian Ministers in a combined Council.

The king must be crowned in the cathedral of Throndhjem as king of Norway.

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The union between Norway and Sweden in 1814 was defined by the Rigsakt (the Act of Union), which was accepted in the following year by the National Assemblies of both countries. According to this Act, Norway was declared to be "a free, independent, and indivisible kingdom, united with Sweden under one king." In the preamble to the Act it is clearly stated that the union between the two peoples was accomplished "not by force of arms, but by free conviction," and the Swedish Minister of Foreign Affairs announced to the European powers that the Treaty of Kiel had been abandoned, and that it was not to this Treaty, but to the confidence of the Norwegian people in the Swedish, that the latter owed the union with Norway.

In considering the political relations of Norway



and Sweden, therefore, it must always be borne in mind that the Union thus concluded was nothing else than an offensive and defensive alliance under a common king, and that each country retained its own government, its own parliament, its own army, navy, customs, bank, &c. The relations between the two countries may be still more clearly understood when it is realised that a Norwegian is a foreigner in Sweden, and a Swede, similarly, is a foreigner in Norway; that a Swede can no more be appointed to an official position in Norway than any other foreigner can, and that a Norwegian, in like fashion, can occupy no official position in Sweden.

As I have already stated, the Union was not favourably received by the governing classes in Sweden. The people received but an imperfect and erroneous insight into the nature of the Union, and for a considerable time believed it to be an achievement of the Swedish arms. But to the leading men of the country, who were better acquainted with its terms, it was a great disappointment. They had, in fact, lived in the hope of making Norway a province of Sweden, and now they had entered into a union in which both countries were equally independent.

Since it was entered into, many attempts have

been made by Sweden to extend the bonds of the Union,<sup>1</sup> but the Norwegians have always and consistently opposed any extension beyond the line originally laid down in the Act of 1815. Neither in the Fundamental Law of Norway, nor in that of Sweden, nor in the Act of Union, is there to be found a single paragraph, or even a single allusion, which would lead any one to suppose that Sweden should assume and be entitled to the leading rôle in the Union. On the contrary, the relations of the two countries, according to the Act of Union, are based upon absolute equality. Professor Rydin, a well-known Swedish jurist, states in his work, "The Union of Norway and Sweden," that Norway and Sweden are entirely sovereign states, the independence of neither of which is conditioned by the existence or non-existence of the Union, while he maintains that the independence thus mutually recognised by both kingdoms necessarily entails the equality of both in the Union.

The well-known Swedish statesman, Louis de Geer, wrote in 1892 in his Memoirs: "As the circumstances have now developed we can no longer build upon the historical basis of the

<sup>1</sup> See the article on the political history of Norway in the *Encyclopædia Britannica*, vol. xxxi.

Union, but must, before everything, pay regard to the universally recognised principles of justice. And then we can scarcely deny that the Norwegians are essentially right in nearly all their demands."

The history of the last ninety years shows, however, that the Swedes have ever been intent upon assuming the *rôle* of "predominant partner" in the Union. This assumption on their part is in reality the underlying cause of the many conflicts that have arisen between the two countries, especially as it has manifested itself in the conduct of Foreign Affairs.

Although Norway is an independent kingdom, there is, strange to say, no Minister of Foreign Affairs in the Norwegian Government. In the Act of Union there is no reference to the conduct of the Foreign Affairs of the two countries. As the Norwegians had been accustomed to leave the transaction of Foreign Affairs in the hands of the king, and as Norway had little or no diplomatic business or difficulties with foreign powers, they unhesitatingly entrusted the conduct of Foreign Affairs, and the appointment of Ambassadors and Consuls abroad, to their new king. But there is no paragraph in the Constitution of Norway or in the Act of Union that authorised

such an arrangement, and Norway has always strongly objected to legalise by Act of Parliament the pretension that the conduct of Foreign Affairs should be entrusted to Sweden.

The Swedish Constitution, at the time of the Union, prescribed that Diplomatic affairs should be discussed with the king in a special Council of State,—the so-called “Ministerial Council,” by the Foreign Minister and another member of the Swedish government, and thus, up to 1835, Diplomatic affairs were decided upon without any responsible Norwegian Minister being present, even if only the interests of Norway were concerned. The Norwegians had, however, expected that Diplomatic affairs in which the interests of the two countries were involved should be considered and treated as “subjects concerning both countries,” and should therefore be discussed in a combined Council of State of the two governments (see § 5, Act of Union). But this, for reasons of their own, the Swedes would not recognise and act upon.

In 1835, however, it was decided by Royal resolution (not by Act of Parliament, and therefore only temporarily) that when the Swedish Foreign Minister was transacting Diplomatic matters with the king which concerned both

countries, or Norway alone, the Norwegian Minister of State, or a Councillor of State, in attendance upon the king at Stockholm, should be present. This arrangement did not particularly please the Norwegians, not only because the Norwegian Minister on such occasions was little else than a mere listener, but also—and particularly—because the Swedish Foreign Minister could not be held responsible to the Norwegian Government or Parliament. This state of affairs was, however, allowed to drift on, and gradually the Swedish Foreign Minister came to be regarded, especially abroad, as the Foreign Minister for Norway also. Nevertheless, the Norwegians have never ceased to maintain that Norway did not enjoy equal rights in the Union and an equal share with Sweden in the management of Foreign Affairs, as Norway according to the Act of Union had a right to demand.

During the past sixty years several attempts have been made to adjust this unsatisfactory state of affairs, but they have all proved abortive. Up to 1885 it was generally understood that the king might call upon a Swedish or a Norwegian Minister to assist him in the conduct of Foreign Affairs, but the Swedish Foreign Minister had always been employed

for this purpose. In 1885, however, Sweden — without consulting Norway — decided on a change in her Constitution, by which the conduct of Foreign Affairs passed entirely into the hands of Sweden. The Ministerial Council,<sup>1</sup> in which diplomatic matters were discussed, was now to consist of the Swedish Foreign Minister and two other members of the Swedish Cabinet on behalf of Sweden, and of the Norwegian Minister at Stockholm only on behalf of Norway. The disproportion in the representation of the two countries in this Council became thus so pronounced that the Swedish Government admitted that Norway was entitled to a greater share and influence in the management of these affairs, and proposed that the composition of the Council should be determined by a new and additional clause in the Act of Union. The division of the Norwegian Government in attendance upon the king at Stockholm proposed that the Ministerial Council for Foreign Affairs should consist of three members of the Cabinet of each country, and to this the Swedish Government were willing to agree, but only on condition that it should be

<sup>1</sup> These Ministerial Councils must not be confounded with the combined Councils of State between the two Governments, see pp. xxi and xxii.



constitutionally determined by Act of Parliament that the Minister of Foreign Affairs must always be a Swede. To this, however, the Norwegians, in view of the fact that Norway was an independent kingdom with a full right to equality in the Union, could not agree, and the matter was consequently shelved and remained in abeyance until 1891, when, at the king's instigation, negotiations with the Swedish Government were resumed. The Norwegian Government succeeded in coming to an agreement with the Swedish that a measure should be introduced by which the Norwegians would practically obtain what they had demanded in 1885, the nationality of the Foreign Minister being left for settlement in the near future. The Swedish Parliament, however, rejected the proposals, while the Norwegian Parliament maintained Norway's right to "full equality in the Union, and therewith the right to watch over her Foreign Affairs in a constitutional manner," expressing at the same time their conviction that the Norwegian people would never agree to an arrangement which might prove a hindrance to the realisation of Norway's full rights in this matter.

During the next few years but little progress was made in regard to this important question

of the conduct of Foreign Affairs. Another question of vital interest to the shipping and commerce of the country now began to occupy the attention of the Norwegians—that of establishing a separate Norwegian Consular service in place of the existing partnership with Sweden, an arrangement which has not satisfied the Norwegians. As this question is at the time of writing (April 1905) that of greatest moment in Norwegian politics, I think it may be desirable to give here an outline of the events which have led up to the present crisis.

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In 1891 the Storting appointed a committee to enquire into the practicability of establishing a separate Norwegian Consular service, which the committee at the conclusion of its deliberations unanimously recommended as necessary for the free development of the industrial and commercial life of the country,<sup>1</sup> and in 1892, acting upon the report of this committee, the Storting passed a resolution for the establishment of separate Consuls. The king refused his sanction to the resolution, being no doubt influenced in favour of the maintenance of the Consular

<sup>1</sup> The tonnage of the Norwegian merchant fleet is more than double that of Sweden.

partnership by the feeling which prevailed in official circles in Sweden. The Norwegian Government thereupon resigned, and a complete deadlock ensued. A compromise was effected by the Ministry returning to office on the understanding that the question should be postponed by common consent. Next year the Storting again passed a resolution calling upon the Norwegian Government to proceed with the necessary measures for establishing a separate Consular service for Norway, but again the king refused to take action. The Liberal Ministry then resigned (May 1893), and the king appointed a Conservative Ministry to carry on the government. The elections of 1894 resulted in a Liberal victory, the majority of the electors declaring in favour of national independence in the great question then before the country, viz., that of separate Consuls and eventually a separate Minister of Foreign Affairs for Norway. The Conservative Ministry did not resign at once, but after some considerable delay a coalition Ministry was formed, with Professor Hagerup as Premier. A new committee, composed of an equal number of Norwegians and Swedes, was appointed to consider the question of separate diplomatic and consular representation, but after sitting for two years it

separated without being able to come to any agreement, having, like two previous Union Committees (1842 and 1865) proved the impossibility of the two countries coming to an understanding as to the relations between them with regard to the conduct of Foreign Affairs.

The elections of 1897 again resulted in a great victory for the Liberals, and a Liberal Ministry was formed under the premiership of Mr. Steen.

In 1902, on the initiative of the Swedish Foreign Minister, a committee, consisting of an equal number of leading Norwegians and Swedes, was appointed by the king to investigate the question whether separate consuls for each country could be made compatible with the existing arrangements for the conduct of Foreign Affairs, and to give their opinion on various points concerning the Consular service, the question of a Foreign Minister for Norway being left in abeyance. The unanimous report of the committee was to the effect that "it was possible to appoint separate Norwegian Consuls exclusively responsible to Norwegian authority, and separate Swedish Consuls exclusively responsible to Swedish authority," and that, as far as Norwegian Consuls were concerned, the control

of the Swedish Foreign Ministry should cease, and the Consular system of Norway be transferred to some Norwegian Government department.

The further negotiations between the two governments resulted in the so-called *Communiqué* of March 24, 1903, which announced the conclusion of an agreement between the representatives negotiating on behalf of Norway and Sweden respectively for the establishment of separate Consular services for the two countries, the consuls for each kingdom to be placed under the control of whichever department the country concerned should decide. The relations of the separate Consuls to the Minister of Foreign Affairs and the ambassadors abroad were to be determined by identical laws in the two countries, which should not be altered or suspended without the consent of the executives of both kingdoms. It was also agreed that the question of the conduct of Foreign Affairs should be shelved for the time being, the Norwegians holding that it was not yet ripe for settlement.

The terms of this *Communiqué* were submitted to a combined Norwegian and Swedish Council of State on December 21, 1903, when they were unanimously agreed to, and were signed by the king, who commissioned the Norwegian and

Swedish Ministries to continue the necessary negotiations for the final establishment of the separate Consular service, and to proceed with the drafting of the laws and regulations relating thereto, which were to be submitted to the parliaments of the two countries for acceptance. The Foreign Powers were also to be notified by the Swedish Foreign Minister of the proposed establishment of separate Consuls.

It was generally believed that there was now every prospect of a final settlement of the Consular question, which had occupied the attention of the two countries for so long a period. In due course the Norwegian Government submitted to the Swedish Government their draft (dated May 28, 1904) of the proposed laws and regulations as far as the Norwegian Consular service was concerned, but no reply from the Swedish Government was forthcoming for several months, and it appeared that the Swedish Foreign Minister had not notified the Foreign Powers of the proposed change in the Consular system. The reasons for this delay may be found in the following circumstances. About this time the Swedish Foreign Minister, Mr. Lagerheim—who had zealously worked for a satisfactory and friendly solution of the Consular question—

resigned, which aroused in the minds of the Norwegians some apprehension that matters were not progressing satisfactorily. Then, in November last year, Mr. Boström, the Swedish Premier, suddenly submitted to the Norwegian Government a number of conditions under which the Swedish Government was prepared to agree to the establishment of separate Consuls. This, as will readily be understood, came as a surprise to the Norwegians, in view of the fact that the basis for the establishment of separate Consuls had already been agreed upon and confirmed by the king in December 1903. According to Mr. Boström's proposals, the Norwegian Consuls were to be placed under the control of the Swedish Foreign Minister, who was to have power to remove any Norwegian Consul whose conduct he might not approve. This, and the other conditions contained in his proposals were altogether unacceptable to the Norwegian Government. According to the Norwegian Constitution a Norwegian official can only be dismissed or removed by the Crown, and the Norwegians naturally felt that it would be beneath the dignity of a self-governing country to agree to having its own officials dismissed or removed by an official of another country. It has been said in



Norway that her government would have been perfectly justified if, after this, they had withdrawn from the negotiations. As, however, they did not wish to jeopardise the present opportunity of arriving at a friendly settlement, the Norwegian Premier proceeded to Stockholm to confer with Mr. Boström, without, however, arriving at any satisfactory agreement.

The Norwegian Government called the attention of Mr. Boström to the fact that these new proposals were entirely divergent from the basis already agreed upon, and were therefore inadmissible. The Swedish Government, in their reply, admitted that certain modifications might be made in their proposals, but stated that "the more important parts thereof must be adhered to," declaring their willingness to continue the negotiations provided the Norwegian Government were willing to change their standpoint. The Norwegian Minister of State in attendance upon the king at Stockholm thereupon informed Mr. Boström that the Norwegian Government had no further communication to make on the subject. In a combined Council of State (February 6, 1905), the Swedish Foreign Minister referred to the subject, and after pointing out to the king that both governments adhered to

their respective views, he advised the king to resolve "that the task entrusted to the Norwegian and Swedish Governments by the resolution of December 21, 1903, does not call for further action." The opinion of the Norwegian Government at Christiania was asked for, and was given on the same day; and on February 7, the Swedish Foreign Minister, in a combined Council of State, observed that "the principal reason why an agreement had not been arrived at seemed to lie in the manner in which questions concerning the relations of the two kingdoms to Foreign Powers are treated." And he also pointed out "the desirability of again opening negotiations between the two kingdoms, based on other rules and regulations, for the conduct of Foreign Affairs," but he found no reason now for taking any action in this direction, and adhered to his advice given in the Council on the preceding day. The Norwegian ministers in attendance upon the king replied that, in their opinion, a solution of the Consular question might have been possible, even when retaining the existing conduct of Foreign Affairs, as stated by the Swedish ministers in the document of March 24, 1903. The king, however, gave his assent to what the Swedish Foreign Minister had advised,

and subsequently he resolved that the task entrusted to the Norwegian and Swedish Governments, according to the resolution of December 21, 1903, did not call for any further steps to be taken in the matter.

Thus came to an end the negotiations upon which the Norwegians had depended to lead to a satisfactory settlement of the Consular question, and there was therefore nothing left but for the Norwegians to take matters into their own hands.

On the 8th of February Professor Hagerup, the Norwegian Prime Minister, in announcing to the Storting that the negotiations between the two governments had fallen through, said:—

“We are disappointed that the negotiations have been without result. The situation thus created is a most serious one. Our people are animated by an ardent desire that the peaceful relations and the good understanding between the neighbouring nations, which are of equal importance to both, should be preserved; but the present conditions of union are untenable, and cannot continue without endangering the relations of which I have spoken. It is, therefore, our task to see that unrestricted provision shall be made for the assumption by Norway of

the national and international position to which she is entitled as a Sovereign State. If this task cannot be accomplished within the limits of the existing union between Norway and Sweden, the establishment of new and more freely working forms must be considered for the co-operation of the two nations, with a view to the furtherance of those common interests which all must desire to see maintained."

On the same date (Feb. 8), owing to the ill-health of the king, the crown prince was appointed regent.

On the 17th of February, the Norwegian Storting unanimously decided to refer the documents relating to the question of separate Consuls for Norway and Sweden to a special committee, which was to consider what steps should be taken for the promotion of the establishment of Norwegian Consuls.

Owing to some difference of opinion between the members of his ministry with regard to the tactics to be followed in this momentous question, Professor Hagerup resigned on the 1st March, and was succeeded by Mr. Christian Michelsen, who formed a ministry composed of members of both parties.

On the 7th of March the Special Committee

decided that a Bill be immediately submitted to the Storting providing for the establishment of a separate Consular service, and that the measure should come into force not later than the 1st of April 1906. It was also decided that as soon as the resolution was passed, notice should be given to terminate the present joint Consular service with Sweden.

In his first address as Prime Minister, Mr. Michelsen stated in the Storting, on the 15th of March, that the new government had been formed to co-operate with the Storting on the basis of the report of the Special Committee, to establish the constitutional right of Norway to her own separate Consuls, and to preserve Norway's sovereignty as a free and independent kingdom. "We know," he continued, "that we have on our side a united Storting and a united people. The people of Norway have no greater desire than to live at peace with everybody, especially with their Swedish neighbour, in order to be able to devote the whole of their strength to the development of the material resources of the country and to the work of culture. I am firmly convinced that the united and unbending will of our people will lead to the desired result."

On the 5th of April, however, the Prince Regent, in a statement in a combined Norwegian and Swedish Council of State, called upon the governments of the two countries to enter into new negotiations to adjust all matters concerning the union of the two countries on the fundamental principle of their full equality, and as a solution of the difficulties he proposed: A joint Minister (Swedish or Norwegian) for Foreign Affairs, answerable to both countries or to a joint institution; and a separate Consular service for each country, with the provision, however, that the Consuls in all that concerned relations with foreign powers, should be placed under the direction and control of the Minister for Foreign Affairs.

It does not appear, however, that the Prince Regent's proposal was favourably received in Norway. The Norwegian press of both parties insisted that Norway must have its separate Consular service sanctioned by the Crown before any new negotiations with regard to the future conduct of Foreign Affairs could be entered upon, and that Sweden must give full guarantee against any repetition of the unsatisfactory results of the previous negotiations. The Norwegians, the press maintained, had faithfully kept to the

terms of the agreement published in the *Communiqué* of the 24th of March 1903, while the new demands put forward by the Swedish Premier in November last were nothing less than a breach of agreement.

On the 25th of April the Norwegian Government, in reply to the Prince Regent's proposal, communicated the following statement to the Swedish Government in a combined council of state :—

“The Norwegian people is unanimous in demanding a separate Consular service and in insisting that the settlement of the matter, standing as it does outside the relations between the two countries established in the Act of Union, shall be reserved for the Norwegian authorities. For the consideration of this affair the Norwegian Storting has appointed a special committee, which in the immediate future will propose a bill establishing a separate Consular service to be passed in this session of the Storting.

“In so far as the proposal of the Crown Prince is based upon the presumption that Norway should take no steps to secure a separate Consular service during the negotiations, it is clear that Norway in accepting this presumption would surrender her unanimous claim to realise a right



belonging to Norway as a sovereign country, and guaranteed by its Constitution, and to have reforms carried out which are rendered necessary by the development and commercial conditions of Norway. Instead of this she would have to resume negotiations which after repeated trials must, it is feared, be fruitless, or at best would delay the said reforms."

After pointing out the long series of fruitless negotiations (from 1844 to 1898), the statement proceeds:—

"The last failure especially caused deep disappointment in Norway, and this, if aggravated by new failures, would become the greatest danger for the goodwill between the two peoples. It must be remembered that goodwill, more than binding treaties, is the basis of the union and the strength of both peoples.

"In these circumstances the Government finds itself obliged to advise against opening fresh negotiations before the Norwegian Consular service is established. But if the negotiations, after the institution of a separate Consular service, should be reopened, they must be on a wholly free basis, involving a full acknowledgment of the sovereignty of each country without restrictions of any kind. Moreover, both countries should

enter into a binding engagement beforehand to the effect that, should the new negotiations prove fruitless, there shall be no going back to the *status quo*, but that each country shall have the right to determine the future forms of its national life. No compulsory union, but only mutual confidence and goodwill, can secure the future happiness of both peoples."

After this statement the Swedish Cabinet declared that in their opinion the negotiations on the basis proposed by the Prince Regent could not be entered into with any prospect of success.

The Special Committee appointed by the Norwegian Storthing has in the meantime been occupied with the preparation of the proposed Bill, which it is expected will be submitted to the Storthing and passed in the course of May, whereupon it will be laid before the crown for sanction.

H. L. BRÆKSTAD.

LONDON, *April* 30, 1905.

# THE CONSTITUTION



# THE CONSTITUTION

OF THE

## KINGDOM OF NORWAY

ENACTED by the National Assembly at Eidsvold on the 17th of May 1814, and now, on the occasion of the union between the kingdoms of Norway and Sweden, amended by the extraordinary Storting of Norway at Christiania on the 4th of November 1814.

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WE, THE REPRESENTATIVES OF THE KINGDOM OF NORWAY, *at an extraordinary session of the Storting, held at Christiania on the 7th of October 1814, in pursuance of the proclamation of the 16th of August last*, hereby declare :

Whereas we, having, as intimated in our proclamation of the 21st ultimo, on the preceding day, after mature deliberation, resolved that the Kingdom of Norway shall henceforth be united

as an independent kingdom, with the Kingdom of Sweden under one King, but maintaining its own constitution, with such alterations as are necessary for the welfare of the kingdom, and in consequence of this union, we have taken these alterations into most careful consideration, and at the same time held negotiations respecting them with the Royal Commissioners appointed for the purpose, according to the Convention concluded at Moss on the 14th of August last. Therefore, we have resolved, as we hereby resolve and determine, that, instead of the constitution enacted by the National Assembly at Eidsvold on the 17th of May last, the following provisions, partly based upon it, partly adopted in consequence of the union, shall hereafter be in force and be respected and inviolably observed by one and all concerned as the Constitution of the Kingdom of Norway.

[The later modifications up to Jan. 1, 1900, have been incorporated in this edition.—ED.]

# THE CONSTITUTION OF NORWAY

## *A. Form of Government and Religion.*

### I.

The kingdom of Norway shall be a free, independent, indivisible and inalienable kingdom, united with Sweden under one King. Its Form of Government shall be a limited and hereditary monarchy.

### 2.

The Evangelical-Lutheran religion shall remain the public religion of the State. The inhabitants professing it shall be required to bring up their children in the same. Jesuits shall not be tolerated.<sup>1</sup>

## *B. The Executive Power, the King, and the Royal Family.*

### 3.

The Executive power shall be vested in the King.

<sup>1</sup> Up to 1851 Jews were debarred from access to the kingdom.



## 4.

The King shall always profess the Evangelical-Lutheran religion, and maintain and protect the same.

## 5.

The King's person shall be sacred ; he cannot be blamed or accused. The responsibility shall rest upon his Council.

## 6.

The order of succession shall be lineal and agnatic,<sup>1</sup> as appointed in the Order of Succession of the 26th of September 1810, passed by the Estates of the Kingdom of Sweden,<sup>2</sup> and adopted by the King, a translation of which is appended to this Constitution. Among those entitled to the succession shall be reckoned also the child unborn, who shall take his proper place in the line of succession the moment he is born into the world after the death of his father.

When a Prince, entitled to succeed to the united crowns of Norway and Sweden, is born, his name, and the time of his birth, shall be

<sup>1</sup> Descending in the direct male line.

<sup>2</sup> The Swedish National Assembly up to 1865 was composed of the so-called "Estates," in all four, viz. : the nobility, the clergy, the burgesses, and the peasantry. The present Swedish Parliament, the Riksdag, consists of two chambers.

notified to the first Storthing thereafter held, and entered in the record of its proceedings.<sup>1</sup>

## 7.

If there is no Prince entitled to the succession, the King can propose his successor to the Storthing of Norway at the same time as to the Estates of Sweden. As soon as the King has made his proposal, the representatives of both nations shall elect a committee of their own number, which has the right to decide the election, in case the King's proposal is not approved by a majority of the representatives of each nation separately.

The number of the members on this committee, which shall consist of an equal number from each kingdom, and the order to be observed at the election, shall be fixed by a law, which the King at the same time shall propose to the next Storthing and to the Estates of the Kingdom of Sweden. Of the joint-committee one member shall retire by ballot.<sup>2</sup>

## 8.

The majority of the King shall be fixed by a law,<sup>3</sup> which shall be passed on agreement between the Storthing of Norway and the Estates of

<sup>1</sup> See Act of Union, sec. 2.

<sup>2</sup> See Act of Union, sec. 3.

<sup>3</sup> Law of July 18, 1815: "The King shall be of full age on the completion of his eighteenth year."

Sweden, or, in case they cannot come to an agreement, by a committee appointed by the representatives of both the kingdoms under the provisions laid down in the preceding sec. 7.

As soon as the King has reached the age appointed by the law, he shall publicly declare himself to be of full age.

## 9.

As soon as the King, being of full age, assumes the government, he shall take the following oath before the Storthing: "I promise and swear that I will govern the Kingdom of Norway in accordance with its Constitution and laws; so truly help me God and His holy Word!"

If the Storthing is not in session at the time, the oath shall be set down in writing in the Council of State and repeated solemnly by the King to the first Storthing, either verbally, or in writing by the person he may thereto appoint.

## 10.

The coronation and anointing of the King shall take place, after he has come of age, in the Cathedral of Throndhjem, at such time and with such ceremonies as he himself shall determine.

## 11.

The King shall reside in Norway for some time every year, unless prevented by some serious obstacle.

## 12.

The King himself shall choose a Council of Norwegian citizens, who must not be under thirty years of age. This Council shall consist of two Ministers of State, and at least seven other members.

The King shall apportion the business among the members of the Council of State in such manner as he shall deem advantageous. On extraordinary occasions, the King, or in his absence the Minister of State, in conjunction with the Councillors of State, may summon, in addition to the ordinary members of the Council of State, other Norwegian citizens, not being members of the Storting, to take a seat in the Council of State.

Father and son, or two brothers, may not at the same time have a seat in the Council of State.

## 13.

During his absence, the King shall make over the internal administration of the kingdom, in

such cases as he himself prescribes, to one of the Ministers of State, together with at least five of the other members of the Council of State.

These shall carry on the Government in the King's name, and on his behalf. They shall inviolably observe, not only the provisions of this Constitution, but also the separate directions in accordance therewith, which the King in an Instruction shall communicate to them. They have to forward to the King a humble Report of the matters they thus dispose of.

The matters of business shall be disposed of by vote, when, in case of an equality of votes, the Minister of State, or in his absence the first member of the Council of State, has two votes.

14.

(This section is abrogated. It related to the office of Viceroy, to which only the Crown Prince or his eldest son could be appointed. This office was abolished in 1891.)

15.

During the King's residence in Sweden there shall always remain in attendance upon him one of the Ministers of State and two of the Members of the [Norwegian] Council of State, the

two Councillors being changed yearly. They shall have the same duties and the same constitutional responsibility as the Government in Norway (in § 13 mentioned), and in their presence alone shall Norwegian affairs be transacted by the King.

All petitions from Norwegian citizens to the King shall first be presented to the Norwegian Government, and its report shall be submitted with them before they are disposed of.

As a rule, no Norwegian business may be disposed of<sup>1</sup> without previous ascertainment of the opinion of the Government in Norway, unless serious obstacles should render this impracticable.

The Minister of State shall introduce the matters of business and remain responsible for the despatch of affairs, in conformity with the resolutions passed.

16.

The King shall regulate all public Church and Divine service, all meetings and assemblies about religious matters, and shall see that the public teachers of religion follow the rules prescribed for their guidance.

<sup>1</sup> By the King in his Norwegian Council of State in attendance upon him at Stockholm.

## 17.

The King can issue and repeal regulations concerning commerce, customs, trade and industry, and police ; but they must not be at variance with the Constitution or with the laws passed by the Storthing (as hereinafter provided in §§ 77, 78, and 79). Such regulations shall operate provisionally until the next Storthing.

## 18.

The King shall generally cause the taxes and duties imposed by the Storthing to be collected. The Norwegian Exchequer shall remain in Norway, and its revenues shall be applied solely to the benefit of Norway.

## 19.

The King shall take care that the Crown estates and regalia are utilised and managed in the manner appointed by the Storthing and most advantageous to the public.

## 20.

The King in Council shall have the right to pardon criminals after judgment is pronounced. The criminal shall have the choice whether he



will throw himself on the King's grace or submit to the punishment awarded to him.

In the cases that the Odelsthing<sup>1</sup> causes to be laid before the Rigsret,<sup>2</sup> no other pardon than exemption from capital punishment can be granted.

21.

The King, with the advice of his Norwegian Council of State, shall choose and appoint all civil, ecclesiastical, and military officials. Such officials shall swear, or, if by law exempted from taking the oath, solemnly affirm obedience and allegiance to the Constitution and the King.

The Royal Princes may not fill civil offices.

22.

The Ministers of State and the other members of the Council of State, together with the departmental officials, Ambassadors and Consuls, civil and ecclesiastical persons of supreme authority, chiefs of regiments and of other military corps, commandants of forts and commanding officers of men-of-war, can, without any pre-

<sup>1</sup> The Lower Division of the Storting. See §§ 73 and 76.

<sup>2</sup> The Constitutional Court of the realm. See § 86.

ceding judicial sentence, be dismissed by the King, after hearing the opinion of the Council of State on the subject. How far pensions should be granted to the officials thus dismissed is determined by the next Storthing. In the meantime they receive two-thirds of their previous pay.

Other officials can only be suspended by the King, and shall then at once be prosecuted before the tribunals, but they may not be dismissed unless judgment has been pronounced against them, nor may they be removed against their will.

### 23.

The King can confer orders on any one he pleases as a reward for distinguished services, which must be publicly notified, but he can confer no other rank or title except such as each office carries with it. The order exempts no one from the common duties and burdens of the citizens, nor does it carry with it preferential admission to any office of the State. Officials that retire with the King's favour retain the title and rank of the office they filled.

No personal or mixed hereditary privileges may henceforth be granted to any one.

## 24.

The King may choose and dismiss at his own pleasure his Royal household and Court attendants.

## 25.

The King is Commander-in-chief of the Army and Navy of the kingdom. These forces may not be increased or reduced without the sanction of the Storthing. They may not be transferred to the service of foreign powers, and no soldiers of foreign powers, except auxiliary troops against hostile attack, may be brought into the kingdom without the sanction of the Storthing.

In time of peace no other than Norwegian troops may be stationed in Norway, and no Norwegian troops may be stationed in Sweden. The King may, however, have in Sweden a Norwegian guard of volunteers, and can for a short time, at most six weeks in the year, assemble the nearest troops of the military power of both the kingdoms for manœuvres within the borders of either kingdom ; but in no case may more than 3000 soldiers of all arms, taken together, be brought in times of peace into the one kingdom from the forces of the other kingdom.

The Norwegian troops and flotilla may not be used for offensive war without the sanction of the Storting.

The Norwegian Navy shall have its wharfs, and in times of peace its stations or harbours, in Norway.

The warships of the one kingdom may not be manned by the seamen of the other, except in so far as such seamen sign articles of their own free will.

The Landværn<sup>1</sup> and the other Norwegian troops, who cannot be classed among the line troops, may never be employed beyond the borders of Norway.

26.

The King shall have the right to assemble troops, to commence war and to conclude peace, to enter into and to break off alliances, to send and to receive ambassadors. When the King proposes to commence war, he shall communicate his views to the Government in Norway, and procure its opinion thereon, together with a full report as to the condition of the kingdom with regard to its finances, means of defence, and so forth.

This having been complied with, the King

<sup>1</sup> The Norwegian Militia or *Landwehr*.

shall summon the Norwegian Minister and Norwegian Councillors of State,<sup>1</sup> as well as the Swedish Minister and Councillors, to an extraordinary Council of State, and shall then explain the reasons and the circumstances, which in this case have to be taken into consideration. At the same time the report of the Norwegian Government on the condition of this kingdom, as well as a similar report on that of Sweden, shall be laid on the table. The King shall ask their opinion on these subjects, which they, each for himself, shall enter upon the minutes, under the responsibility which the Constitution imposes upon them, and then the King shall have the right to take and to carry into effect such resolution as he deems to be for the best interests of the State.

## 27.

All Councillors of State shall, unless they have a lawful excuse, be present at the Council of State, and no resolution may be taken there unless more than half the number of members be present. In the Norwegian business that under § 15 is transacted in Sweden,<sup>2</sup> no resolu-

<sup>1</sup> In attendance upon the King at Stockholm during his residence in Sweden.

<sup>2</sup> That is to say : in the Norwegian Council of State at Stockholm, when the King is in residence in Sweden.

tion may be taken unless either the Norwegian Minister of State and one Norwegian Councillor of State, or else both the Norwegian Councillors of State, are present.

## 28.

Reports on the subject of appointments to offices and other matters of importance—with the exception of diplomatic affairs, and of matters relating strictly to the military command—shall be brought forward at the Council of State by the member to whose department they belong, and such matters are to be carried out in accordance with the resolution taken at the Council of State.

## 29.

If a Councillor of State is prevented by a lawful excuse from attending the meeting and introducing the matters that belong to his department, these shall be introduced by another Councillor of State, whom the King, if he is present, and, if not, the presiding member of the Council of State in conjunction with the other Councillors of State, shall appoint for the purpose.

If so many are prevented by lawful excuse from attending that not more than half of the

fixed number of members are present, other officials shall in like manner be deputed to take seats in the Council of State, in which case a report thereon shall forthwith be made to the King, who decides whether they shall continue to discharge this function.

## 30.

All the proceedings of the Council of State shall be entered in the minutes. Every one that has a seat in the Council of State is in duty bound fearlessly to express his opinions, to which the King is bound to listen. But it remains with the King to take a resolution according to his own judgment. If any member of the Council of State finds that the King's resolution is at variance with the form of government or the laws of the kingdom, or apparently prejudicial to the kingdom, it is his duty to make strong representations against it, and also to record his opinion on the minutes. A member that has not thus protested, is regarded as having been in accord with the King, and is answerable therefor in such manner as is subsequently decided, and can be impeached by the Odelsting before the Rigsret.<sup>1</sup>

<sup>1</sup> The Constitutional Court of the realm.



## 31.

All commands drawn up by the King himself, with the exception of military orders, shall be countersigned by one of the Ministers of State.

## 32.

The resolutions that are taken by the Government in Norway in the King's absence, shall be drawn up in the King's name, and signed by the Council of State.

## 33.

All reports on Norwegian affairs, as well as the despatches issued in connection therewith, must be written in the Norwegian language.

## 34.

The nearest heir to the Throne, if he is the son of the reigning King, shall bear the title of Crown Prince. The other persons entitled to succeed to the Crown are to be called Princes, and the daughters of the Royal House Princesses.

## 35.

As soon as the Heir to the Throne has completed his eighteenth year, he is entitled to take a seat in the Council of State, but without vote or responsibility.

## 36.

No Prince of the Blood may marry without the sanction of the King. If he acts contrary to this rule, he forfeits his right to the Crown of Norway.

## 37.

The Royal Princes and Princesses shall not, personally, be answerable to any other person than the King, or to such person as he may ordain to be judge over them.

## 38.

The Norwegian Minister of State, as well as the two Norwegian Councillors of State who are in attendance upon the King at Stockholm [during the King's residence in Sweden], shall have seats and a deliberative vote in the Swedish Council of State, when affairs that affect both kingdoms are being transacted there.

In such matters the opinion of the Norwegian Government ought also to be obtained, unless

the business requires to be disposed of in such haste, that time will not allow of it.<sup>1</sup>

## 39.

If the King dies, and the Heir to the Throne is still under age, the Norwegian and Swedish Councils of State shall at once assemble, in order jointly to summon a meeting of the Storting in Norway and of the Riksdag in Sweden.<sup>2</sup>

## 40.

Until the representatives of both kingdoms are assembled and have taken measures for the government during the King's minority, a Council of State consisting of an equal number of Norwegian and Swedish members shall conduct the governments of the kingdoms, with due regard to the different constitutions of the two kingdoms.

The Norwegian and the Swedish Minister of State, who have seats in the aforesaid Joint Council, shall cast lots as to which of them shall be President.<sup>3</sup>

## 41.

The provisions laid down in the preceding §§ 39 and 40 shall also be operative on every

<sup>1</sup> See Act of Union, sec. 5.      <sup>2</sup> See Act of Union, sec. 6.

<sup>3</sup> See Act of Union, sec. 7.

occasion when, according to the Swedish form of government, it devolves on the Swedish Council of State to carry on the government.

On such occasions, as it has hitherto devolved upon the interim Government of Norway and Sweden, in accordance with the Constitutions of Norway and Sweden, and with the provisions of the Act of Union, to conduct the government of the kingdoms, when the King is prevented, either by being on travel outside his kingdoms or by illness, from carrying on the government, the Prince next entitled to succeed to the throne shall, provided he has attained the age fixed for the King's majority, conduct the government as the temporary executive of the Royal power, with the same rights as devolve on the interim Government.

42.

As to the further provisions necessary in the cases mentioned in §§ 39, 40, and 41, the King is to introduce in the next Storthing in Norway, and in the next Riksdag in Sweden, a bill framed on the principle of complete equality between the two kingdoms.

43.

The election of Guardians, who shall administer the government of the King, when he

is under age, shall take place according to the same rules, and in the same manner as before prescribed in § 7 for the election of a successor to the Throne.<sup>1</sup>

## 44.

The persons, who in the cases mentioned in §§ 40 and 41 are conducting the government, shall take the following oath: "I promise and swear to carry on the government in accordance with the Constitution and the laws, so truly help me God and His holy Word!"

The Norwegians shall take the oath before the Storthing of Norway; the Swedes before the Estates of the Kingdom of Sweden. If the Storthing or Riksdag is not sitting at the time, the oath shall be delivered in writing to the Council of State, and be repeated afterwards to the next Storthing or Riksdag.

## 45.

As soon as their administration of the State ceases, they shall render to the King and the Storthing an account of the same.

## 46.

If the persons in question neglect at once to summon the Storthing in accordance with §§ 39

<sup>1</sup> See Act of Union, sec. 8.

and 40, it becomes the absolute duty of the High Court of Justice, as soon as four weeks have elapsed, to cause this summons to be issued.

## 47.

The conduct of the King's education during his minority shall be determined in the manner prescribed in §§ 7 and 43, unless his father has left some directions in writing.

It shall be an invariable rule that the King during his minority be given sufficient instruction in the Norwegian language.

## 48.

If the Royal family in the male line becomes extinct, and no successor to the Throne has been elected, then shall a new Royal house be chosen in the manner prescribed in § 7. Meanwhile the executive power shall continue to be exercised according to § 43.

*C. Citizenship and the Legislative Power.*

## 49.

The people shall exercise the legislative power through the Storting, which consists of two divisions, a Lagthing and an Odelsting.

## 50.

The right of voting shall belong to every Norwegian citizen who has completed his twenty-fifth year, has resided in the country for five years, and is residing there.<sup>1</sup>

## 51.

A register of all inhabitants who have a vote shall be kept in every town by the burgomaster and in every parish by the sheriff and the parson. The changes which it may undergo from time to time shall be entered in it forthwith.

Every one shall, before he is entered on the register, swear publicly in Court, or, if he by law is exempted from taking the oath, solemnly affirm allegiance to the Constitution.

## 52.

The right to vote shall be suspended.

*a)* By indictment for criminal offences that may carry with them such punishments as are mentioned in § 53 (*a*).

*b)* By being declared incapable of managing one's own affairs.

<sup>1</sup> Universal suffrage (for men only) was not passed till 1898.



*c)* By assignment of one's estate to one's creditors or by bankruptcy which is not caused by accidental fire or other non-imputable or provable mischance, until the debtor, either by payment in full to the creditors or by composition with them, shall regain control of his estate.

*d)* By being, or having been, during the last year before the election, in receipt of poor relief.

### 53.

The right to vote shall be lost.

*a)* By having been condemned to penal servitude or dismissal from office, or to imprisonment for a crime that is dealt with in any of the chapters of the criminal law on perjury, theft, robbery, or fraud. This effect of the sentence shall be annulled on having acquired "restitution of honour."<sup>1</sup>

*b)* By entering the service of a foreign power without the consent of the Government.

*c)* By acquiring citizenship in a foreign State.

*d)* By being convicted of having bought votes, sold one's own vote, or voted at more than one poll.

<sup>1</sup> Last clause added in 1887.

## 54.

The polls<sup>1</sup> and the district conventions shall be held every three years. They shall all be over by the end of September.

## 55.

The polls shall be held in the country in the principal church of the parish ; in the towns in the church, at the town-hall, or at some other suitable place. They shall be conducted in the country by the parson and his assistants ; in the towns by the burgomaster and aldermen. The voting shall take place in the order of the names on the register. Questions as to the right of voting shall be decided by the conductors of the poll, against whose decision there shall be an appeal to the Storthing.

## 56.

Before the elections commence, §§ 50-64 of the Constitution shall be read out aloud by the presiding officer.

<sup>1</sup> The polls (*Valgforsamling*, literally, "election meetings") at which all the voters of each constituency meet and elect a number of themselves (in the proportion of one to every fifty voters in town and every hundred in the country) to the District Convention, in which the electoral representatives chosen at the polls meet and elect the representatives to the Storthing (see § 58).

## 57.

In the towns, one electoral representative shall be nominated for every fifty inhabitants entitled to vote. These electoral representatives shall assemble within eight days from that date at a place appointed for that purpose by the authorities, and elect, either from their own number or from among the other qualified voters in their electoral district, representatives to attend and take their seats in the Storting.

The number of representatives in the Storting which the towns have to elect is fixed at 38. Of these there shall be elected, until it is otherwise determined in a constitutional manner, from Aalesund and Molde together one, from Arendal and Grimstad together one, from Bergen four, from Brevik one, from Christiania, Hønefos, and Kongsvinger together four, from Christiansand two, from Christiansund one, from Drammen two, from Flekkefjord one, from Fredrikshald one, from Fredriksstad one, from Hammerfest, Vardö, and Vadsö together one, from Holmestrand one, from Kongsberg one, from Kragerö one, from Laurvik and Sandefjord together one, from Lillehammer, Hamar, and Gjøvik together one, from Moss and Dröbak

together one, from Porsgrund one, from Sarpsborg one, from Skien one, from Stavanger and Haugesund together two, from Tromsø one, from Thronthjem and Levanger together four, from Tönsberg one, and from Österrisör one.

When a town, which is not here mentioned, has fifty or more qualified voters, it shall be included in the electoral district of the nearest town. The same rule shall apply to towns that may hereafter be founded. A town that has come to be included in the electoral district of another town shall elect its own electoral representative, even if the number of its qualified voters should become less than fifty. In a town that by itself constitutes an electoral district, there shall in no case be elected less than three electoral representatives.

### 58.

In every parish in the country the qualified voters shall elect electoral representatives in proportion to their number, thus: up to 100 elect one, 100 to 200 two, 200 to 300 three, and so on in the same proportion. These electoral representatives shall assemble within one month from that date at a place appointed for that purpose

by the Amtmand,<sup>1</sup> and shall then elect, either from their own number or from among the other qualified voters in the county, representatives to attend and take their seats in the Storting.

The number of representatives in the Storting which the country districts have to elect shall be fixed at 76. Of these, there shall be elected, until it is otherwise determined in a constitutional manner, from Akershus county five, from North Bergenhus county five, from South Bergenhus county five, from Christians county five, from Finmarken county two, from Hedemarken county five, from Nordland county five, from Romsdal county five, from Stavanger county five, from Tromsö county two, and from each of the other eight counties of the kingdom four.

Any one who has been Minister or Councillor of State may be chosen as a representative even in a constituency where he is not a qualified voter, provided he is otherwise eligible, and has not already been elected as a representative for any other district. But no district can at the same time have more than one representative from outside the number of its own qualified voters.

<sup>1</sup> Deputy-lieutenant of the county.

## 59.

(This section contained special rules and regulations for the election of members of the Storthing, but was abolished by enactments of 1842 and 1859.)

## 60.

The qualified voters within the kingdom that are not able to be present on account of illness, military service, or other lawful impediment, may send their votes in writing to the presiding officer before the poll is closed.

How far and in what manner qualified voters sojourning out of the kingdom may be allowed to send their ballot-papers in writing to the presiding officer at the poll, shall be determined by law.

## 61.

No one can be chosen as a representative unless he is thirty years of age, and has resided ten years in the kingdom.

## 62.

The members of the Government<sup>1</sup> and the officials employed in their departments, as well

<sup>1</sup> Since 1884 the members of the Government are admitted to the Storthing, but without the right of voting.

as the Court officials and pensioners, cannot be chosen as representatives.

## 63.

Every one who is elected as a representative shall be in duty bound to accept the election, unless he is chosen under the circumstances mentioned in the last paragraph of § 58, or is prevented by an impediment that is judged lawful by the electoral representatives, whose decision can be submitted to the judgment of the Storthing. Any one who has attended as representative at the three ordinary Storthings after one election, is not obliged to accept election at the next election for the Storthing. If a representative is prevented by lawful impediment from attending the Storthing, the person who has the greatest number of votes after him, or, if a special election to fill the vacancy has been held by the district convention, then the representative elected to fill the vacancy shall take his place.

## 64.

As soon as the representatives are elected, they shall be furnished with a certificate signed in the country districts by the chief magistrate, and in the towns by the burgomaster, as well as



by all the electoral representatives, as evidence of their having been elected in the manner prescribed by the Constitution. It is for the Storthing to judge of the validity of these certificates.

## 65.

Every representative shall be entitled to reimbursement from the Exchequer for travelling expenses to and from the Storthing, and for maintenance during the time he stays there.<sup>1</sup>

## 66.

The representatives shall be exempt from personal arrest while on their way to and from the Storthing, as well as during their stay there, unless they are caught in public crimes; nor can they be called to account outside the meetings of the Storthing for the opinions they have expressed there. Every representative shall be bound to conform to the rules of the Storthing.

## 67.

The representatives elected in the manner aforesaid shall constitute the Storthing of the Kingdom of Norway.

<sup>1</sup> At present the members of the Storthing receive 12 kroner (13s. 6d.) per day.

## 68.

The Storthing shall as a rule assemble on the first week-day after the tenth of October every year in the capital of the kingdom, unless the King, by reason of extraordinary circumstances, such as hostile invasion or infectious disease, shall appoint for the purpose another town in the kingdom. Such an appointment must then be publicly notified in good time.

## 69.

In extraordinary cases the King shall have the right to summon the Storthing at an unusual time. The King shall then issue a proclamation, which shall be read in all the churches of the county towns at least fourteen days before the members of the Storthing are to meet at the appointed place.

## 70.

Such an extraordinary Storthing may be dissolved by the King when he may think proper.

## 71.

The members of the Storthing shall act as such for three successive years in extraordinary as well as in the ordinary Storthings that are held during that period.

## 72.

If an extraordinary Storthing is still in session at the time when an ordinary Storthing is to open, the former shall be dissolved before the latter assembles.

## 73.

The Storthing shall elect from among its members one-fourth part, which constitutes the Lagthing;<sup>1</sup> the remaining three-fourths form the Odelsting.<sup>2</sup> The election shall take place at the first ordinary Storthing that meets after a new election, and thereafter the Lagthing shall remain unchanged during all Storthings as meet after the same election, except in so far as any vacancy which may occur among its members has to be filled by special election.

Each Thing shall hold its meetings separately, and elect its own President and Secretary. Neither of the Things shall hold meetings unless two-thirds of its members are present.

## 74.

As soon as the Storthing is constituted the King, or the person he appoints for the purpose,

<sup>1</sup> The upper division, or a kind of "Select Committee" of the Storthing.

<sup>2</sup> The lower division.

shall open its proceedings with a speech, in which he shall inform it of the condition of the kingdom and the subjects to which he particularly desires to call the attention of the Storting. No deliberation may take place in the presence of the King.

When the proceedings of the Storting are opened, the Ministers of State and the Councillors of State have the right to attend in the Storting as well as in both its Divisions, and, like its members, but without giving a vote, to take part in the current proceedings, in so far as these are conducted with open doors, but in such matters as are discussed with closed doors, only in so far as the Thing in question may grant permission.

## 75.

To the Storting shall belong the powers and duties following:—

*a)* To enact and to repeal laws ; to impose taxes, duties, customs, and other public burdens, which, however, do not remain in force longer than till the 1st of April of the year in which the next ordinary Storting meets, unless they are expressly renewed by the Storting then sitting.

*b)* To open loans on the credit of the kingdom.

*c)* To control the finances of the kingdom.

*d)* To vote the sums of money necessary to meet the expenditure of the State.

*e)* To decide how much shall be paid yearly to the King for his Royal household, and to determine the appanage of the Royal family, which may not, however, consist of real property.

*f)* To have laid before it the minutes of the Norwegian Government and all public reports and documents (matters of strictly military command excepted), as well as certified copies or extracts of the minutes kept by the Norwegian Minister of State and the two Norwegian Councillors of State in attendance upon the King in Sweden, or the public documents that have been there produced.

*g)* To have communicated to them the alliances and treaties that the King on behalf of the State has entered into with foreign powers, with the exception of secret articles, which, however, must not be at variance with the public ones.

*h)* To be able to summon any one to attend before it in matters of State, the King and the Royal family excepted; this exception, however, does not apply to the Royal Princes in case they hold any office.

*i)* To revise salary and pension lists, which are

not permanent, and to make therein such alterations as it finds necessary.

k) To appoint five auditors, who shall annually examine the accounts of the State and publish printed extracts of the same ; and such accounts shall for this purpose be delivered to these auditors within six months after the expiration of the year for which the grants of the Storthing are made.

l) To naturalise aliens.

76.

Every law shall first be proposed in the Odelsting, either by its own members, or by the Government through a Councillor of State. If the proposal is there accepted, it is sent to the Lagthing, which either approves or rejects it, and in the latter case sends it back with comments appended. These are taken into consideration by the Odelsting, which either drops the bill or again sends it to the Lagthing, with or without alteration. When a bill from the Odelsting has twice been laid before the Lagthing and has been a second time rejected by it, the whole Storthing shall meet and dispose of the bill by a majority of two-thirds. There must be an interval of at least three days between each of these deliberations.

## 77.

When a resolution proposed by the Odels-thing is approved by the Lagthing or by the assembled Storthing, it is sent to the King, if he is present, or, if he is not present, to the Norwegian Government, with a request that it shall obtain the King's sanction.

## 78.

If the King assents to the resolution, he shall append his signature to it, whereby it becomes law.

If he does not assent to it, he shall send it back to the Odelsting with the declaration that he does not at present consider it expedient to sanction it. In this case the resolution may not again be submitted to the King by the Storthing then assembled.

## 79.

If a bill has been passed unaltered by three ordinary Storthings, constituted after three different successive elections separated from each other by at least two ordinary Storthings between them, without any divergent resolution having been adopted by any Storthing in the



period between the first and the last passing, and is then submitted to the King with the prayer that his Majesty will not refuse his sanction to a bill that the Storthing, after the most mature deliberation, considers to be for the benefit of the State, it becomes law, even if the King's sanction is not accorded, before the Storthing separates.

## 80.

The Storthing shall remain in session as long as it considers necessary, but not beyond two months, without the King's permission. When, having finished its business, or having been in session for the appointed time, it is dissolved by the King, he shall at the same time communicate his decision with regard to the resolutions that have not already been disposed of, by either ratifying or rejecting them. All such as he does not expressly assent to are deemed to be rejected by him.

## 81.

All laws are to be drawn up in the Norwegian language and (with the exception of those referred to in § 79) in the King's name, under the seal of the Kingdom of Norway, and in the following terms : " We, N. N., make it publicly

known that the following resolution of the Storthing of [such and such a date] in the following terms has been laid before us (here follows the resolution). Accordingly we have assented to and confirmed, as we hereby assent to and confirm, the same as law under our hand and seal of the State."

## 82.

The sanction of the King is not required to the resolutions of the Storthing whereby

- a)* It declares itself assembled as Storthing, according to the Constitution ;
- b)* It appoints its internal police ;
- c)* It accepts or rejects the certificates of the members present ;
- d)* It confirms or rejects the decisions on questions arising out of the elections ;
- e)* It naturalises aliens ;
- f)* And, finally, to the resolution whereby the Odelsting impeaches Councillors of State or others.

## 83.

The Storthing may procure the opinion of the High Court of Justice on questions of law.

## 84.

The Storthing shall be held with open doors, and its proceedings are to be published in print, except in those cases where a majority decides to the contrary.

## 85.

Any person who obeys an order, the purpose of which is to disturb the liberty and security of the Storthing, is thereby guilty of treason to the Fatherland.

*D. The Judicial Power.*

## 86.

The members of the Lagthing, in conjunction with the High Court of Justice, shall constitute the Rigsret [the Constitutional Court of the Realm], which in first and last instance shall pronounce judgment in such cases as are brought by the Odelsting either against members of the Council of State or of the High Court of Justice for crimes committed in their respective offices, or against members of the Storthing for such crimes as they may have committed in their capacity of such members.

In the Rigsret the President of the Lagthing takes the chair.

## 87.

The accused may, without alleging any reason for it, challenge any member up to one-third of the members of the Rigsret, provided that the Court be not constituted of less than fifteen persons.

## 88.

The High Court of Justice shall pronounce judgment in the last instance. It may not consist of less than a Chief Justice and six Assessors.

This paragraph, however, shall not prevent penal cases from being, in accordance with the law, finally disposed of without the assistance of the High Court of Justice.

## 89.

In time of peace, the High Court of Justice, with two officers of high rank, nominated by the King, shall be the court of second and last instance in all such cases of military law as involve either life or honour, or loss of liberty for a longer period than three months.

90.

Judgments of the High Court of Justice can in no case be appealed against or be submitted to revision.

91.

No one can be appointed a member of the High Court of Justice before he is thirty years of age.

*E. General Provisions.*

92.

To official posts in the State there may be appointed only such Norwegian citizens as speak the language of the country, and at the same time—

a) Were either born in the kingdom of parents that were then subjects of the State;

b) Or were born in foreign countries of Norwegian parents that were not at the time subjects of another State;

c) Or have hereafter resided ten years in the kingdom;

d) Or have been naturalised by the Storting.

Others, however, can be appointed as teachers at the university and colleges, as medical officers, and as consuls in foreign places.

No one may be appointed as chief magistrate

before he is thirty years of age, or as burgo-master, subordinate judge, or sheriff before he is twenty-five years of age.

Only such as profess the public religion of the State can be members of the King's Council. As to the other officers of the State, the necessary provisions are to be laid down by law.

## 93.

Norway shall not be liable for any other than her own National Debt.

## 94.

Steps are to be taken by the first, or, if this is not possible, by the second ordinary Storthing, for the publication of a new general civil and criminal code. In the meantime the laws of the State now in operation will remain in force, in so far as they are not at variance with this Constitution, or with the provisional ordinances that may be issued in the meantime.

The existing permanent taxes shall likewise continue until the next Storthing.

## 95.

No dispensations, protections, postponements of payments, or redresses may be granted after the new general law comes into force,

96.

No person can be condemned except according to law, or be punished except according to judicial sentence. Examination by torture may not take place.

97.

No law may be given retroactive effect.

98.

All fees paid to officials of the courts of justice are exempt from taxes to the Exchequer.<sup>1</sup>

99.

No person may be arrested and detained in prison except in the cases determined by law, and in the manner prescribed by the laws. For unjustifiable arrest or illegal detention, the person concerned shall be responsible to the person imprisoned.

The Government is not entitled to employ military force against subjects of the State, except in accordance with the forms provided by law, unless any meeting should disturb the public peace, and does not immediately disperse after

<sup>1</sup> This section is now practically obsolete. All fees to the various courts of justice are now paid direct to the Exchequer, and the officials are in receipt of fixed salaries.—ED.

the articles in the Statute-book relating to riots have been read aloud three times by the civil authority.

## 100.

There shall be liberty of the Press. No person can be punished for any writing, whatever its contents may be, which he has caused to be printed or published, unless he, wilfully and publicly, has either himself shown or incited others to disobedience to the laws, contempt of religion or morality or the constitutional authorities, or resistance to their orders, or has advanced false and defamatory accusations against some one. Every one shall be at liberty to speak his mind frankly on the administration of the State and on any other subject whatsoever.

## 101.

New and permanent restrictions on the freedom of industry shall not be granted to any one in future.

## 102.

Domiciliary visits may not be made, except in criminal cases.

## 103.

Sanctuaries shall not be granted to such as hereafter become bankrupt.



## 104.

Neither landed nor movable property can in any case be confiscated.

## 105.

If the welfare of the State shall demand that any person shall surrender his movable or immovable property for the public use, he shall receive full compensation from the Exchequer.

## 106.

Both the purchase-money and the income derived from the landed property constituting the benefices of the clergy shall be applied solely to the benefit of the clergy and to the promotion of education. The property of charitable institutions shall be applied solely to their advantage.

## 107.

The Odel<sup>1</sup> and Aasæde<sup>2</sup> rights may not be abolished.

<sup>1</sup> The *Odelsret* (right of allodial possession and primogeniture) is the ancient right to complete ownership of land in the country districts, including the right of redemption, within three years, of the property by the family, if it has been sold.

<sup>2</sup> The *Aasædesret* (right of succession to landed property) is the right of the eldest son to retain possession of the property at a moderate price.

The further conditions under which it shall continue, to the greatest benefit for the State and advantage of the country population, are to be determined in the first or second Storthing following.

## 108.

No earldoms, baronies, entailed estates, or heirlooms may be created in future.

## 109.

Every citizen of the State is, as a rule, equally bound, for a certain time, to defend his Fatherland, whatever be his birth or fortune. The application of this principle and the limitations it is to undergo, also how far it is beneficial to the country that the duty of serving in the army ceases at the age of twenty-five, shall be left to the first ordinary Storthing to decide, after every information has been obtained by a committee. In the meantime the existing provisions shall continue in force.

## 110.

Norway shall retain her own Bank and her own currency and coinage, and these institutions shall be determined by law.

## III.

Norway has the right to have her own merchant flag. Her naval flag shall be a union flag.<sup>1</sup>

## II 2.

If experience should show that any part of this constitution of the Kingdom of Norway requires to be altered, the proposal therefore shall be submitted at the first ordinary Storthing after a new election, and be published in print. But it is only one of the ordinary Storthings after the next election which shall be entitled to decide whether the proposed alteration should be made or not. Such an alteration, however, must never be at variance with the principles of this constitution, but must be rigidly restricted to such modifications in particular provisions as do not change the spirit of this constitution ; and two-thirds of the Storthing must agree to such an alteration.

EXTRAORDINARY STORTHING,  
CHRISTIANIA, *November 4, 1814.*

(78 signatures. The extraordinary Storthing consisted of 81 members ; but 3 signatures are wanting.)

<sup>1</sup> By a union flag is here understood the Norwegian flag with a mark of union in the upper corner.

## DECLARATION

BY THE ROYAL COMMISSIONERS

THAT the Constitution of the Kingdom of Norway, word for word as above written, with reservation of the constitutional right of the Estates of the Kingdom of Sweden in such parts as involve alteration or modifications in the form of Government of the Kingdom of Sweden, has been discussed and resolved upon between our most gracious King and Lord, Carl XIII., King of Sweden, Norway, the Goths and the Wends, &c. &c., by us the undersigned Commissioners thereto authorised, on behalf of His Majesty, and the Storthing of the Kingdom of Norway, now assembled in Christiania, is hereby certified and attested by the signature of our names, and the affixing of our seals.

CHRISTIANIA, *November 4, 1814.*

(6 signatures.)

## PROCLAMATION

SIGNED in Christiania on behalf of King Charles XIII. by the Crown Prince (Carl Johan) as to the Constitution of the Kingdom of Norway, enacted by the Extraordinary Storthing of the Kingdom of Norway on the 4th of November 1814, and accepted by the King.

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WE, CARL, by the Grace of God King of Sweden and Norway, the Goths and the Wends, &c. &c., publicly declare: That, whereas the Extraordinary Storthing of Norway, which on the 20th of October last had resolved upon the union of this kingdom with the Kingdom of Sweden, has, in consequence of the negotiations with the Commissioners appointed by Us, agreed to a Constitution in certain parts altered, while preserving the main provisions of the Constitution of Eidsvold, and thereupon has solemnly and unanimously elected Us the constitutional King of Norway, We, finding the rights and duties of Ourselves and of Our new subjects so clearly enacted by the Constitution adopted by the Storthing on the 4th inst., and communicated

to Us for acceptance, that the unity and strength of the Royal power and the liberty of the Norwegian people within the law are thereby secured, do, in conformity with what Our Commissioners, acting on Our authority, have discussed and agreed to, hereby accept, confirm, and ratify the same Constitution and the Order of Succession thereto annexed, with all their sections, provisions, and clauses, word for word, as they herewith follow: And We do not only accept the same as the established Constitution, but also order and command that all who are bound by allegiance and fealty to Us and Our successors to the throne shall acknowledge, observe, and obey this Constitution and Order of Succession. In further assurance We have signed this with Our own hand, at the same time appending hereunder in witness Our Royal seal. Done in Christiania on the 10th day in the month of November, one thousand eight hundred and fourteen years after the birth of our Lord and Saviour Jesus Christ.

By and with the authority of my most gracious King and Lord.

CARL JOHAN.

( *L.S.* )

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*Fischer.*

THE ACT OF UNION





## ACT OF UNION

ESTABLISHED between the Storthing of the Kingdom of Norway and the Estates of the Kingdom of Sweden, and containing provisions as to the constitutional relations that have arisen between the two kingdoms.

(Of August 6, 1815.)

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WE, CARL, by the grace of God King of Sweden and Norway, the Goths and the Wends, &c. &c., publicly declare: That, whereas the Storthing of the Kingdom of Norway and the Estates of the Kingdom of Sweden, in accordance with Our most gracious proposals, have agreed and resolved, in order to settle the constitutional relations that have been entered into between Norway and Sweden, to pass a separate Act of Union, in the precise terms, word for word, hereinafter following:

We, the undersigned *representatives of the Kingdom of Norway*, assembled here in Chris-

tiania as an ordinary Storthing, and we, the *Estates of the Kingdom of Sweden*, Counts, Barons, Bishops, Knights and Nobles, Clergy, Burgesses and Peasantry, who are now assembled here in Stockholm as extraordinary Riksdag, hereby publicly declare :

That, whereas through the mighty aid of Providence a bond of Union has happily been knitted between the peoples of the Scandinavian peninsula, which, having been accomplished not by force of arms but by free conviction, ought and shall be maintained solely by mutual acknowledgment of the lawful rights of the peoples for the defence of their common Thrones ; and whereas we, the undersigned Estates of the Kingdom of Sweden, in reference to his Royal Majesty's most gracious proposal of the 12th of April last on the subject of the new constitutional relations that have arisen through the Union between Norway and Sweden, have acknowledged and with our unanimous consent ratified the provisions introduced in respect to these constitutional relations in the Constitution of the Kingdom of Norway of the 4th of November 1814, which, while reserving our constitutional right in such parts as shall involve alteration or modi-

fication in the Form of Government of the Kingdom of Sweden, have on the 10th of November following been accepted and sworn to by our most gracious King and Lord : Therefore we, as the lawful Plenipotentiaries on behalf of the inhabitants of Norway and Sweden, believe that we cannot establish for the time to come the conditions of the Union under one King, but with separate laws of government, which has been entered into between Norway and Sweden, in a more worthy and solemn manner than by agreeing to introduce and embody in a separate Rigs-akt [Act of Union] the said conditions absolutely as word for word they follow as hereunder :

## 1.

The Kingdom of Norway shall be a free, independent, indivisible, and inalienable kingdom, united with Sweden under one King. Its Form of Government shall be a limited and hereditary monarchy.

## 2.

The Order of Succession shall be lineal and agnatic, as appointed in the Order of Succession of the 26th of September 1810, passed by the Estates of the Kingdom of Sweden and adopted by the King.

Among those entitled to the succession is reckoned also the child unborn, who takes his proper place in the line of succession the moment he, after the death of his father, is born into the world.

When a Prince entitled to succeed to the united Crowns of Norway and Sweden is born, his name and the time of his birth shall be notified to the first Storthing thereafter held, and entered in the record of its proceedings.

### 3.

If there is no Prince entitled to the succession, and an election of a successor to the Throne of both kingdoms has to be held, the Storthing in Norway and the Riksdag in Sweden shall be summoned for one and the same day. The King, or, if the election of a successor to the Throne occur when the Throne is vacant, the lawful interim Government of both kingdoms shall, within eight days after the date when the Storthing in Norway has been lawfully opened and the Riksdag in Sweden has been opened in the Rikssal,<sup>1</sup> on the same day in both places make a proposal anent the succession to the Throne.

<sup>1</sup> The hall in which the King declares the Riksdag opened.

Members of the Norwegian Storthing as well as members of the Swedish Riksdag shall have the right to propose a successor to the Throne. If any of them desires to exercise this his right of motion, he shall be bound to avail himself of it within this appointed time.

The Norwegian Storthing and the Estates of the Kingdom of Sweden shall thereafter appoint the day of election, each body for itself ; but the election of a successor to the Throne must take place without fail not later than the twelfth day after the term appointed for the making of the proposal.

On the day before that which has thus been appointed for election of a successor to the Throne by the Norwegian Storthing and the Estates of the Kingdom of Sweden, the Norwegian Storthing, as well as the Estates of the Kingdom of Sweden, shall, from among their own members, elect the committee that is charged, in case the choice of the Norwegian Storthing and the Estates of the Kingdom of Sweden should fall upon different persons, to meet and, with the rights of the representatives of both kingdoms, choose by vote one person.

On the day appointed for the election, the Storthing of Norway and the Estates of the

Kingdom of Sweden shall, in the manner appointed by the several constitutions of the two kingdoms, each elect only one person from among the proposed candidates. If the choice of both kingdoms has fallen upon the same person, then he is lawfully elected successor to the Throne. Should, on the other hand, each of the kingdoms have chosen a different person, this variance is disposed of by the vote of the joint committee of the two kingdoms.

This committee shall consist of thirty-six persons from each kingdom, as well as eight deputy-members, elected in the manner specially ordained by the Storthing of Norway and the Estates of the Kingdom of Sweden. The deputy-members shall take part in the proceedings in fixed order, but only in the event of any of the ordinary members not being present at the election.

Karlstad shall be the place of meeting for the committees of both kingdoms. Before the several committees set out from the place where the Storthing in Norway and the Riksdag in Sweden are held, each shall elect a chairman from its own number.

It is the duty of the King, or, in the event of his decease, of the lawful interim Government of both kingdoms, within the shortest possible time

after having received information of the separate election of each kingdom, and having regard to the distance between the place of meeting and the places where the Storthing in Norway and the Riksdag in Sweden are held, to fix the day upon which the committees of both kingdoms shall meet in Karlstad, but not later than on the twenty-first day after the twelfth day hereinbefore appointed for the Norwegian Storthing and the Swedish Riksdag as the latest term for the election.

The chairmen of the committees for both kingdoms shall, immediately after their arrival, jointly prepare a summons to assemble in the forenoon of the day after that which has been appointed for the arrival of the committees at the place of meeting.

At the meeting the chairman of each committee shall first read out his own and his colleagues' credentials ; after which the two chairmen shall draw lots as to which of them shall preside at the election. The joint committee for both kingdoms, thus united under one chairman, who is also entitled to vote, shall thereupon proceed forthwith, and without discussion, to take the vote.

The members of the committees shall not separate, nor shall any of them leave the room



of the meeting, before the election proceedings are in every respect terminated.

At the voting the chairman of the committee for each kingdom shall read out and exchange the document that contains the name of the one person on whom the choice of his National Assembly has fallen. In accordance therewith shall the terms of the proposal to be voted on be settled, and the names of both the candidates for the Throne shall be entered therein, after the following form :—

“The delegates of the Storthing of Norway and of the Estates of the Kingdom of Sweden are voting jointly to elect a successor to the united Thrones of Norway and Sweden. On the part of the Storthing of Norway, N.N. has been proposed as such ; on the part of the estates of the Kingdom of Sweden, N.N. has been proposed as such.

“If the greatest number of votes fall upon N.N., then he is lawfully elected as the King’s successor (King) to the united Thrones of Norway and Sweden.

“If the greatest number of votes fall upon N.N., then he is lawfully elected as the King’s successor (King) to the united Thrones of Norway and Sweden.”



Before the electors are challenged to cast their votes, all the regulations relating to the mode of voting are to be read out aloud and clearly.

The call to vote on this occasion shall be so conducted that, when the chairman of the joint-committee is Norwegian, then the Swedish delegates shall be called first and cast their votes, and after them the Norwegians; and *vice versa* when the chairman is Swedish.

The voting shall take place by means of ballot-papers of equal size and appearance in every respect, on which the name of each candidate for the Throne shall be printed in the same type. The chairman, who does not preside over the proceedings, shall sign his name to the ballot-papers before they are delivered to the delegates.

In order to be valid, these ballot-papers shall be single, unmarked, closed, and rolled up.

A simple majority decides the issue.

Before the ballot-papers are counted, the chairman shall pick out one of them and lay it aside under seal.

If, after the call has taken place, on the opening of the ballot-papers any one of them is found which according to the foregoing regulations is inadmissible, it shall there and then be destroyed.

If, in consequence thereof, it should turn out that the votes are equal, the ballot-paper that was sealed up is to be opened, which shall then decide the matter, provided it is found to possess the qualities mentioned ; but, if it is inadmissible, then what has passed is to be deemed to be of no valid effect, and the voting is at once to be recommenced afresh.

If the majority is already decided, without the application of this means, the ballot-paper that was laid aside shall immediately be destroyed unopened.

The minutes of the voting shall be kept by some of the delegates themselves—in the Norwegian language if the chairman is a Norwegian, in the Swedish if he is a Swede. These minutes shall be read out aloud and adopted immediately after the voting, after which two exactly corresponding copies shall be made, be signed by the whole election committee before it dissolves, be sealed in its presence, and, by the direction of the chairman of the committee for each kingdom, be despatched at once the same day, the one copy to the Storting of Norway, addressed to its president ; the other to the Estates of the Kingdom of Sweden, addressed to the landmarshal and the other presidents.

These minutes shall be signed in such manner that in the copy which is to be despatched to the Norwegian Storting the signatures of the delegates from Norway shall stand first, and those of the delegates from Sweden next ; and in the one that is to be despatched to the Estates of Sweden the signatures of the delegates from Sweden shall stand first, and those of the delegates from Norway next.

After the receipt of this election return at both places, it shall immediately, or at latest on the following day, be submitted to the Storting in Norway and to the Estates of the Kingdom of Sweden ; and the Storting of Norway and the Estates of the Kingdom of Sweden shall at once take the necessary steps to inform his Royal Majesty, or, in case of his demise, the lawful interim Government, of this resolution of the representatives of both kingdoms.

4.

The King shall have the right to assemble troops, to commence war and to conclude peace, to enter into and to break off alliances, to send and to receive ambassadors.

When the King proposes to commence war, he shall communicate his views to the Government

in Norway, and procure its opinion thereon, together with a full report as to the condition of the kingdom, with regard to its finances, means of defence, and so forth. This having been complied with, the King shall summon the Norwegian Minister and the Norwegian Councillors of State,<sup>1</sup> as well as the Swedish Minister and Councillors, to an extraordinary Council of State, and shall then explain the reasons and circumstances which in this case have to be taken into consideration. At the same time the report of the Norwegian Government on the condition of this kingdom, as well as a similar report on that of Sweden, shall be laid on the table. The King shall ask their opinion on these subjects, which they, each for himself, shall enter upon the minutes, under the responsibility which the Constitution imposes upon them, and then the King shall have the right to take and to carry into effect such resolution as he deems to be for the best interests of the State.

## 5.

The Norwegian Minister of State, as well as the two Norwegian Councillors of State who are

<sup>1</sup> In attendance upon the King at Stockholm during his residence in Sweden.

in attendance upon the King [at Stockholm during the King's residence in Sweden], shall have seats and a deliberative vote in the Swedish Council of State when affairs that affect both kingdoms are being transacted there.

In such matters the opinion of the Norwegian Government ought also to be obtained, unless the business requires to be disposed of in such haste that time will not allow of it. As often as the King in the Norwegian Council of State, whenever and wherever it is assembled, transacts business which concerns both kingdoms, three members of the Swedish Council of State shall also have seats and votes.

## 6.

If the King dies, and the Heir to the Throne is still under age, the Norwegian and Swedish Councils of State shall at once assemble in order jointly to summon a meeting of the Storting in Norway and of the Riksdag in Sweden.

## 7.

Until the representatives of both kingdoms are assembled and have taken measures for the conduct of the Government during the King's

minority, a Council of State, consisting of an equal number of Norwegian and Swedish members, shall conduct the Government of the kingdoms under the name of the interim Government of Norway and Sweden, with due regard to the different constitutions of the two kingdoms.

This joint Council of State shall consist of ten members from each kingdom, namely: from Norway, the Norwegian Minister and the two Councillors of State in attendance upon the King at Stockholm, together with seven Councillors of State, whether ordinary or specially appointed, who, in the event of a vacancy of the Throne, or during the King's minority, shall be elected by the Government in Norway from among its own members, in whose place at least three Councillors of State in Norway shall be nominated; and from Sweden, the two Ministers and eight Councillors of State.

With regard to the preliminary preparation and investigation of Norwegian as well as Swedish affairs, the regulations in force in each of the kingdoms shall be observed.

At the meetings of the interim Government the Norwegian business shall be introduced by the Norwegian Minister of State, and entered upon the minutes and despatched in the Norwegian

language, and the Swedish business shall be introduced by the member of the Swedish Ministry to whose department they belong, and entered upon the minutes and despatched in the Swedish language.

Business that concerns both kingdoms, that does not by its nature belong to the affairs of any special department, shall be introduced by the Minister of State for Foreign Affairs, and shall be despatched to each of the kingdoms in their respective languages ; to Norway by its Minister of State, and to Sweden by the aforesaid Minister.

Diplomatic business shall also be introduced by the Minister of State for Foreign Affairs, and be entered in separate minutes.

The business shall be disposed of by a majority of votes, and, when the votes are equal, the vote of the president shall decide the question.

All resolutions that are to be despatched shall be signed by each and all of the members.

The joint Council of State (the interim Government) shall have its seat in Stockholm.

The Norwegian Minister of State [in attendance upon the King at Stockholm], and the Swedish Minister of Justice, shall, at the first meeting of the two Councils of State, cast lots as to which of them shall take the chair.

According to the order first settled by this casting of lots, the chairman shall afterwards be changed every eighth day, so that each of the Ministers of State, the one after the other, and only for a week at a time, may take the chair.

On all occasions when, according to the Constitutions of Norway and Sweden, the Government of each kingdom is conducted by the Council of State, the joint Council of State of the two kingdoms shall meet in equal numbers and on the basis hereinbefore mentioned.

## 8.

The election of Guardians, who shall carry on the Government for the King during his minority, shall take place according to the same regulations and in the same manner as already prescribed in § 3 for the election of a successor to the Throne.

## 9.

The persons, who in the above case are conducting the Government shall take the following oath :

“ I promise and swear to carry on the Government in accordance with the Constitution and the laws, so truly help me God and His holy Word ! ”



The Norwegians shall take the oath before the Storthing of Norway; the Swedes before the Estates of the Kingdom of Sweden.

If the Storthing or the Riksdag is not sitting at the time, the oath shall be delivered in writing to the Council of State, and be repeated afterwards to the next Storthing or Riksdag.

## 10.

The conduct of the King's education during his minority shall be determined in the manner prescribed in § 8.

It shall be an invariable rule that the King, during his minority, be given sufficient instruction in the Norwegian language.

## 11.

If the Royal family in the male line becomes extinct, and no successor to the Throne has been elected, then shall a new Royal house be chosen in the manner prescribed in § 3.

## 12.

As the provisions contained in this Rigsakt [Act of Union] are partly repetitions of the Constitution of Norway and partly additions thereto

on the basis of the authority given for that purpose to this Storthing in the Constitution, they shall, so far as Norway is concerned, have and retain the same power as the Constitution of that Kingdom, and cannot be altered except in the manner prescribed in § 112 of the same.

(557 signatures.)

In further assurance that we thus have assented to and resolved upon all this, we, the Storthing of the Kingdom of Norway, and we, the four Estates of the Kingdom of Sweden, have confirmed and ratified this Act of Union with our signatures and our seals ; done in Christiania on Monday the 31st day in the month of July, and in Stockholm the 6th day in the month of August, one thousand eight hundred and fifteen years after the birth of Christ.

(87 Norwegian and 468 Swedish signatures.)

So have We hereby accepted, confirmed, and ratified the above-mentioned Act of Union with all its sections, provisions, and clauses ; more-

over, We do most graciously order and command that all such as are bound to Us and Our successors on the throne by allegiance, duty, and obedience, shall acknowledge, observe, keep, and obey this Act of Union. In further assurance, We have with Our own hand signed and ratified the same, at the same time appending hereunder in witness Our Royal seal; done in Stockholm, Our city of residence, on the 6th day of the month of August, one thousand eight hundred and fifteen years after the birth of our Lord and Saviour Jesus Christ.

CARL.

( *L.S.* )

















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